

REMARKS

Claims 1-24 are currently pending. Claims 1-4, 23 and 24 have been amended. Support for the amendments can be found throughout the specification of Application No. 10/551,871 as originally filed ("the '871 Application") and, at least, at page 2, lines 18-21; page 3, lines 11-17; page 4, lines 1-8; page 5, lines 25-27; page 7, lines 17-28, and Abstract. Applicants respectfully submit that no new matter has been entered by the amendments to the claims.

Objection to Claims

Claim 23 has been objected to under 37 C.F.R. § 1.75(c) as being improper because a multiple dependent claim cannot depend from any other multiple dependent claim. Specifically, the Examiner objected to claim 23 as it depends from all preceding claims, including claim 22, another multiple dependent claim.

To address this objection, Applicants have amended claim 23 to depend from any one of claims 1-21. As claim 23 no longer depends from claim 22, Applicants respectfully request withdrawal of the objection to claim 23 and respectfully request that claim 23 be examined and allowed.

Rejection of Claims Under 35 U.S.C. § 112

Claims 1-4 and 24 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention.

Regarding claims 1 and 24, the Office Action states that the phrase "or the like" renders claims 1 and 24 indefinite. Applicants respectfully submit that the phrase "or the like" has been deleted from claims 1 and 24. As a result, Applicants respectfully request that the 35 U.S.C. §112 rejection of claims 1 and 24 be reconsidered and withdrawn.

Regarding claims 2-4, the Office Action notes that the office is unclear as to which limitation the phrase "wherein it is" is referring to. To address this rejection, Applicants have

amended claims 2-4 to recite "wherein the information medium is." Applicants believe that this amendment address and cures the 35 U.S.C. § 112 rejection of claims 2-4. As a result, Applicants request that the rejection of claims 2-4 be reconsidered and withdrawn.

Rejection of Claims Under 35 U.S.C. § 103

Claims 1-22 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,105,295 issued to Brinkman et al. ("Brinkman") in view of U.S. Patent No. 6,632,042 issued to Liener Chin et al. ("Liener Chin"). Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Brinkman in view of Liener Chin and further in view of U.S. Patent No. 4,773,175 issued to Larsen ("Larsen"). Applicants respectfully submit that Brinkman, Liener Chin and Larsen, either alone or in combination, fail to teach or suggest every element of the Applicants' claimed invention.

Amended claim 1 recites a means for fastening, securing or clamping goods or for securing a person, such as a load strap, support strap, tie member, rope, or safety harness, with an information medium permanently attached thereto. Amended claim 1 also recites that the information medium consists of at least one identification medium an insert having high tear strength and a protective casing, which surrounds at least the identification medium, joined as a unit.

Amended claim 24 recites an information medium for marking and permanently attached to a means for fastening, securing or clamping goods, such as a load strap, support strap, tie member, rope, or safety harness. Amended claim 24 also recites that the information medium consists of at least one respective identification medium, an insert having high tear strength and a protective casing, which surrounds at least the identification medium, and is joined as a unit independently of the means.

Brinkman discloses a label holder for displaying information-containing non-adhesive labels or signs. See Abstract. Brinkman discloses that non-adhesive labels can generally be installed and removed much more readily. See Col. 1, lines 27-29; Col. 2, lines 48-49. Brinkman discloses that adhesive-backed labels are difficult to remove or replace when different

merchandise is to be displayed on the shelf, and generally leave behind an unsightly adhesive residue. See Col. 1, lines 17-20. Brinkman, therefore, teaches a label holder where the informing containing labels are intended to be readily removable from the holder.

In contrast, Applicants claimed invention recites that the information medium is permanently attached to means for fastening, securing or clamping goods or for securing a person, such as a load strap, support strap, tie member, rope, or safety harness. The information medium includes an identification medium as part of a unit that makes up the information medium. For example, as shown in one embodiment in Fig. 1, the information medium 2 comprises a strip-shaped, woven insert 4, to which an identification medium 3a, which is configured as a label is attached. See Fig. 1; page 6, lines 22-26 of the '871 Application. In this embodiment, the product name and information can be printed on the identification medium. See id. Information medium 2 can be attached to a load strap 1 by means of seam 8. See id. Therefore, Applicant's claimed invention ensures, even under hard operating conditions, that the prescribed marking is maintained for a long time. See Abstract; see also page 2, lines 18-21; page 3, lines 11-17; page 4, lines 1-8; page 5, lines 25-27; page 7, lines 17-28 of the '871 Application. Therefore, unlike Brinkman, the information medium, which includes the identification medium, is required to be permanently attached to the means. (See, Applicants' claims 1 and 24, "permanently attached" is recited in both claims.)

Applicants respectfully submit that Liener Chin fails to remedy the deficiencies of Brinkman. Briefly, Liener Chin discloses a pocket assembly for inserting one or more photographs, other images or the like. See Abstract. Liener Chin discloses tabbed sheet 908 that holds a photograph 904 in a pocket apparatus 910. See Col. 11, lines 45-47; Fig. 22-23. Liener Chin, however, fails to disclose an information medium permanently attached to a means for fastening, securing or clamping goods or for securing a person, such as a load strap, support strap, tie member, rope, or safety harness.

Applicants respectfully submit that Larsen fails to remedy the deficiencies of Brinkman and Liener Chin. Larsen discloses an integrated circuit transmitter or transponder 180 disposed within a rear panel 140 of a display mounted on a shopping cart. See Col. 9, lines 36-37; Fig. 14.

Larsen, however, fails to disclose Applicants' claimed information medium permanently attached to a means for fastening, securing or clamping goods or for securing a person, such as a load strap, support strap, tie member, rope, or safety harness.

Since none of Brinkman, Liener Chin, and Larson teach or suggest Applicants required information medium permanently attached to a means for fastening, securing or clamping goods or for securing a person, such as a load strap, support strap, tie member, rope, or safety harness, Applicants respectfully submit that Brinkman, Liener Chin, and Larson fail to teach or suggest each and every element of Applicants' independent claims 1 and 24. Accordingly, Applicants respectfully request that the 35 U.S.C. §103 rejection be reconsidered and that claims 1 and 24 be passed to allowance.

Claims 2-23 depend, indirectly or directly, from claim 1. For the reasons stated above, Applicants respectfully submit that claims 2-23 are also in condition for allowance.

USPTO Error Identified in Publication of the Present Application

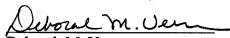
Applicants have recently noted that a U.S. Patent and Trademark Office error occurred during the publication of the present application (US 2007/0068123). Specifically, on page 4 of US 2007/0068123, paragraph [0048] recites "9 Information medium." Applicants respectfully submit that the Specification filed on September 29, 2005 recites "10 Information medium." See, page 10 of the Specification. Similarly paragraph numbers [0049]-[0055] of US 2007/0068123 recite the reference numbers 10-16, respectively. Applicants submit that these reference numbers should read 11-17, as shown on page 10 of Applicants Specification. Applicants request that efforts are taken to ensure that this U.S. Patent and Trademark Office error does not occur in any further publications of this application or issued patent.

CONCLUSION

Applicants' discussion of particular positions of the Examiner does not constitute a concession with respect to any positions that are not expressly contested by the Applicants. Applicants' emphasis of particular reasons why the claims are patentable does not imply that there are not other sufficient reasons why the claims are patentable nor does it imply the claims were not allowable in their unamended form.

In view of the foregoing remarks and the inability of the prior art, alone or in combination to anticipate, suggest, or make obvious the subject matter as a whole of the invention disclosed and claimed in this application, all claims are submitted to be in a condition for allowance, and notice thereof is respectfully requested. If the Examiner feels that a telephone conference would expedite the prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,


Deborah M. Vernon
Attorney for Applicants
Proskauer Rose LLP
One International Place
Boston, MA 02110

Date: October 10, 2008
Reg. No.: 55,699

Tel. No.: (617) 526-9836
Fax No.: (617) 526-9899